

# O'TOOLE SCRIVO

ATTORNEYS AT LAW

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November 11, 2022

**VIA CM/ECF**

Hon. Andr  Espinosa  
United States Magistrate Judge  
Martin Luther King Jr. Courthouse  
50 Walnut Street, Room 2037 Court Room 2D  
Newark, New Jersey 07102  
(973) 645-3827

Re: Matter: Paul Goroff v. Thieman Tailgates, Inc. et al.  
Docket No.: 2:21-cv-09668-KM-AME  
Venue: United States District Court, New Jersey District Court

Dear Judge Espinosa,

Our office represents the Defendant, Thieman Tailgates, Inc. ("Thieman"), in the above referenced action. We are writing this joint letter with consent of counsel for all parties, pursuant to this Court's text order, ECF Docket No. 80, directing the parties to file a joint letter today, November 11, 2022.

The defendants have made some headway toward reaching an agreement regarding settlement. The undersigned has conferred with counsel for both Wiegers and Monster.

Wiegers has agreed to contribute a certain proportion, which Thieman believes is a sufficient starting point to warrant further settlement discussions.

Counsel for Monster has not yet provided a specific commitment regarding contribution but advised the following:

*As per the Judge's direction at the last Settlement Conference, I [Dennis Loffredo] have been diligently working to get the Tender of Defense issue addressed by the insurance carrier for Pacific Rim. I am pleased to advise the Court that Allianz Insurance, on behalf of Pacific Rim, has just advised that they agree that the lease agreement between Monster Remotes, LLC and Pacific Rim did require Pacific Rim to name Monster as an additional insured under the Business Auto Policy. They are finalizing their position as to whether they are also obligated to provide a defense and indemnification as well. Allianz and The Hartford are in the process of exchanging their policies of insurance and in the coming weeks will analyze the policies and determine whether the Pacific Rim policy would be primary for liability, excess to the Hartford policy or whether their policy would be a co-primary or pro rata. The defense and indemnification issue will also be addressed and most likely resolved. Once these issues are resolved, the Monster defendants*

*should be in a position to appear for an in person Settlement Conference in Mid-December.*

Based on these discussions, we are hopeful that Monster will be able to finalize its position and provide a firm commitment to make a reasonable and significant contribution toward global settlement within the next month or so. Assuming that is the case, we are cautiously optimistic that a further settlement conference could be fruitful.

As such, we request the Court schedule this case for a second settlement conference in January, preferably sometime January 11-13.

Respectfully,

*S: Larry C. Green*

Larry C. Green